

MEETING RECORD

Advanced public notice of the Nebraska Capitol Environs Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, August 18, 2021.

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Friday, August 27, 2021, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Heidi Cuca, Kile Johnson, Karen Nalow, Ann Post and David Quade; Mary Campbell and Delonte Johnson absent.

OTHERS IN ATTENDANCE: Collin Christopher and Teresa McKinstry of the Planning Department; Bob Ripley and Matt Hansen with Nebraska Capitol Commission; Nolan Schaefer with Sinclair Hille Architects; Janelle Maybee with Head Start, Educare of Lincoln; Lynn Johnson from Parks & Recreation; Danielle Vachal with Lincoln Transportation and Utilities; Mike McCullough with MTZ Construction;

STATED PURPOSE OF MEETING: Nebraska Capitol Environs Commission Meeting

Chair Kile Johnson called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

K. Johnson then called for a motion approving the minutes of the regular meeting held May 28, 2021. Motion for approval made by Nalow, seconded by Cuca and carried 5-0: Cuca, K. Johnson, Nalow, Post and Quade voting 'yes'; Campbell and D. Johnson absent.

EXTERIOR IMPROVEMENTS AT 1320 LINCOLN MALL

PUBLIC HEARING:

August 27, 2021

Members present: Cuca, K. Johnson, Nalow and Post; Quade declaring a conflict of interest; Campbell and D. Johnson absent.

Nolan Schaefer stated that this building has access from the south and parking to north. He showed photos of the existing building. It was built in the 1920s and added onto in the 1980s. There are windows on the south, east and north. Most of the exterior improvements are focused on the south. They are proposing work on the east side off the alley. They want to freshen up this side, but also clean up the parking area and provide more secure conditions for after hours. The building is set back from the neighbors to the west. He showed a general site plan. They are proposing to add new stairs and a ramp access. They are covering the entry as well. This building will continue to be use for offices. The main access on the south is off of Lincoln Mall. There is also access on the east from the parking lot. Circulation will largely remain the same. They will be adding offices to the interior. They are also adding a new fire rated discharge into the alley, per code. The mechanical equipment is currently located on the roof. The new equipment will sit no further south than the existing. The visibility from the street should be no worse than now. All brick will remain. They are proposing new windows on the south to improve transparency. There will be some existing window wells below for the lower level. They are building up some small cheek walls to screen those from the street side. The ramp is accessed off the sidewalk. There will be a new covered canopy for the ramp. They are proposing brick for the cheek walls. They will also be coordinating the color for the fiber cement panels for the covering. For the brick walls, they will cap them with a cast stone cap.

K. Johnson inquired about the material above the garage. Schaefer believes it is a fiber cement siding that they will be leaving.

K. Johnson asked if there will be a change to the directional east/west sidewalk. Schaefer replied no. The only change is the sidewalk is currently accessed off center. They are proposing shifting it to the east.

Schaefer showed a view to the east where new cladding will be added.

Cuca questioned if the new garage door would allow for trucks. Schaefer stated the door will remain open during operating hours, allowing trucks to stick out beyond the door. It will be closed at night. Cuca asked if there will be an elevator in the building. Schaefer responded no.

Schaefer noted the new windows on the second level will remain the same. They are proposing to add brick in between. They are also proposing increasing the rough openings on the east side to allow for more glass.

K. Johnson inquired if they will be keeping both front doors to the building. Schaefer replied yes.

Nalow noted the change when Lincoln Mall was renovated years ago to the main entrance. It was extended to Lincoln Mall. She questioned with the shift to the east if that should remain. Schaefer sees that it still leads to the center. He believes the view is still the same.

Bob Ripley asked if the building we are looking at is essentially unchanged as it was designed – if the south façade is unchanged from the 1920s. Schaefer responded yes, as far as he knows. He is unsure about the windows, suggesting that they may have been replaced at some point.

Nalow asked about the setback of mechanical equipment from the east on the roof. Schaefer guesses it is about ten to fifteen feet. Nalow wondered if this was represented on the model. Schaefer doesn't believe so. He showed the existing mechanical units and pointed out where the new ones will be located. K. Johnson inquired if the units will be visible from the sidewalk. Schaefer doesn't believe so.

K. Johnson wondered if there is an exterior door from the garage to the building. Schaefer stated no. They are not allowed to have one per code. The building is not sprinkled.

Nalow recommended the applicant think about the new access to the entrance and if the south ramp is warranted. K. Johnson added that someone parking in the back would have to go all the way around the building. What about someone in a wheelchair? He would recommend coming down the ramp and heading south to the State Capitol. He would further recommend the strip of sidewalk go east instead of south for better access for someone in a wheelchair. Nalow wondered if access to the sidewalk is still needed. Schaefer stated they oriented the ramp the way they did so it didn't spill out into the alleyway.

Ripley noted that relative to the new walk that comes closest to the building, he is thinking that what looks like a driveway is technically an alley. There might be issues with an entrance off an alley. That makes more of a case for putting the sidewalk where it is being proposed by the applicant. He suggested it might be a code issue for safety purposes. It may well be a requirement to avoid the primary entrance off an alley. This may be another reason for the walk being as shown. Schaefer stated that it provides access from that side as well. Most clients are from out of city or state.

K. Johnson thinks they have done an amazing job on this building.

ACTION:

Post made a motion for approval of the renovations as presented, seconded by Cuca and carried 4-0: Cuca, K. Johnson, Nalow and Post voting 'yes'; Quade declaring a conflict of interest; Campbell and D. Johnson absent.

OUTDOOR NATURE CLASSROOM AT 1843 K STREET

PUBLIC HEARING:

August 27, 2021

Members present: Cuca, K. Johnson, Nalow, Post and Quade; Campbell and D. Johnson absent.

Janelle Maybee is with the Head Start Program. They are purchasing this building and expanding services. They want more space for children. They would like to construct an outdoor classroom. They plan to use outdoor metal fencing. She showed the type of fencing and railing to be used.

K. Johnson inquired if the entire area will be fully screened. Maybee stated there will be decorative wrought iron-style fencing. They can install mesh if needed. Otherwise, there would be three inch spacing between pickets.

Collin Christopher reminded the Commission that this is a case where they are being asked to consider not just the Capitol Environs Design Standards, but also other relevant city standards. There are standards for early childhood care facilities, and specifically, a requirement to provide opaque fencing around outdoor play areas when adjacent to a residential use. There are residential uses to the south and east. However, there are parking lots between the play area and residential in both cases. His interpretation is that due to the parking in between, the applicant is not required to provide 100 percent opacity on the fence. That said, he is looking for guidance from the Commission on this interpretation. If they feel that 100 percent opacity is necessary, the applicant can add a mesh product or the Commission could recommend another fencing product. He believes the applicant is open to doing what is necessary to meet the standards, but they would prefer the more decorative, transparent product.

Cuca sees a playground on the other side. She asked about the fencing for that area. Maybee replied that it is fenced with chain link. They hope to mimic what is being proposed here on the other side as funds become available.

Johnson asked about the residence to the east. Maybee stated there is an apartment complex.

Post asked if the applicant will be adding plant material or some other type of screening. Maybee stated that additional landscaping will be included as part of the design of the nature classroom. There are also a couple of fairly mature trees there now that will remain.

Ripley assumes there is a door from the interior directly into the playground. Maybee responded that was correct. She noted there will be a sidewalk inside the fence.

Quade appreciates the decorative fence over chain link. He thinks it is good. He doesn't have any concerns about the opacity of the fence.

Nalow echoes Quade's comments. The fence the applicant is proposing is of a higher quality than the Commission looks for. She thinks a wood fence would be a step back. She appreciates natural playgrounds and believes that including plant material helps to soften the view. This plays a part in screening and the aesthetics.

ACTION:

Quade made a motion for approval of the exterior improvements as presented, seconded by Cuca and carried 5-0: Cuca, K. Johnson, Nalow, Post and Quade voting 'yes'; Campbell and D. Johnson absent.

STAFF UPDATE:

- Christopher wanted staff to give an update on the Landmark 2 building, asking Lynn Johnson to come up and update the Commission on the status of the trees along the block.

Lynn Johnson stated there are some mature oaks around the perimeter of the Landmark 2 site. The trees are very close to the building, and they anticipated there would be challenges in preserving them. Parks is now of the opinion that three trees need to be removed. He believes they are close to failing. They would like to have multigenerational trees around this building and removing and replacing these trees will allow that to happen over time. Parks crews have a backlog of over a year for tree removal at this point, so the developer has agreed to remove these trees. This is not being done as a result of anything being done wrong. Red oaks are not tolerant of disturbance of their root zones.

Nalow would like L. Johnson to touch on the two oaks on 11th Street. L. Johnson stated that staff talked about treating those and he thinks the best thing to do is remove them and get new young vigorous trees there. He wanted to make the Commission aware of this.

K. Johnson pointed out some trees on the north side and inquired if they will be removed. L. Johnson stated there are two that he believes will remain. K. Johnson asked what would be planted in place of the trees being removed. L. Johnson stated that the design standards recommend red oaks. K. Johnson asked how large the new trees would be. L. Johnson stated the largest they recommend is usually 2 to 2.5 inches in caliper size. A smaller size tree will outlast

others in the long run. Nalow agreed. That is their standards as well. Oaks on 11th Street were put in around 2-inch caliper and they have done well over time. L. Johnson believes the red oaks on the mall were around 2.5-inch caliper and they have done well.

Ripley asked about the numbers of trees along the mall and if any additional trees will be added. He believes there should be a consecutive row of trees. L. Johnson sees a fairly consistent spacing of the trees. Nalow added that this was a block where there had been one more tree removed prior to this construction. There was an open space that this project would fill in. L. Johnson stated they like to maintain consistent spacing. Ripley added that a cooperative owner helps.

- Christopher stated that there was a request from Commissioners to have an update from Lincoln Transportation and Utilities on the McPhee residential rehab project.

Danielle Vachal stated that her role ends once the project is awarded to a contractor. She invited Mike McCullough from MTZ Construction to give an update on the construction.

McCullough stated they are already working in the general area south of the Capitol. They are getting closer to Lincoln Mall. They want to make sure they are getting done what everyone wants done. They were the contractor of the Haymarket streetscape project that included decorative brick. He believes that project went well. They are looking forward to working on Lincoln Mall. They have been doing this a long time. He stated that he was open to any specific questions.

Ripley sees the project is progressing well. His concern is that the Commission voted to preserve as much of the existing conditions of the Mall. He wanted to be assured that would be honored. Some staff has been out and looked at Goodhue Blvd. On the first block south of the Capitol, there are gray concrete sidewalks that are in poor condition from the gutter to the ramp and there may be two or three more slabs that are broken up. McCullough stated they will be following the specific guidelines of the ADA (Americans with Disabilities Act). By the time they do calculations and see how far they need to go back on these intersections, everything is a little different. They will be matching what is replaced. He remembers doing sidewalks around the Capitol. Gray granite slabs are in the plan. They will go back in if they are removed. Ripley is hoping to see as many granite parcels be kept as possible. He would also like to keep as many inset panels as possible. McCullough stated that a lot of time they don't know until they are out there. He will make sure they don't remove any that are in those squares.

McCullough stated they are not touching the asphalt on the south side of the Lincoln Mall block between S 11th and S 12th Streets for now. Vachal added that this is to accommodate construction of the Landmark building. They will come back and complete this work in 2023 when mill and overlay is done on 11th Street. They won't be fixing curb ramps on that corner either. They will leave that until the landscaping is done.

Ripley stated that the bricks should go back in. He understands that a lot of them are deteriorated. Vachal said they plan to use and reuse what is in place. The bricks are a tri-color blend. MTZ Construction will match the best they can with new bricks. This is the same with laying the brick pattern. Ripley sees this as a good reason to have a blend.

Vachal wanted to address the condition of the brick pavers by the bus stop at 14th Street and Lincoln Mall. She thinks the brick pavers go under the stop and to the curb. They are popping up. She feels they need to remove them to make them more pedestrian friendly, but they would leave them under the bus shelter. They would like to return the sidewalk back to concrete. She believes this would be consistent with the rest of Lincoln Mall. It would also make it easier for snow removal. They are looking to make this as safe as possible. McCullough believes it will look a lot better from the Capitol view.

K. Johnson appreciates the fact they are respecting the brick inlays. He appreciates the cooperation and the design change.

Vachal asked McCullough to address when they planned to start on Lincoln Mall. McCullough stated that they need to source the pavers first. They hope this will be soon. Vachal noted this would be under construction for a few weeks. They will work with the school.

- Christopher wanted to make the Commission aware that staff is finalizing work on the text amendment for monuments and memorials. This will be before Planning Commission on September 15, 2021. The final step in moving the amendment forward is having other staff review and vet the language. In that process, there was a discussion with the City Attorney's Office and Lynn Johnson about allowed language for these types of installations. This wasn't part of the amendment that the Commission specifically recommended, but rather something L. Johnson originally offered. The proposed language in the amendment had some restrictions that related to slogans, logos, and wording that might be considered advertising, as well as references to race, religion, color, gender, etc. The City Attorney's Office had some concerns about first amendment rights, and felt it was not necessary to have that language included. Parks and Recreation and this Commission already provide oversight to make sure these references are not allowed. Because of that conversation, Planning is now proposing to eliminate that language from the design standard update.

Nalow wondered what would happen if something were to come forward that we find questionable. With nothing in the guidelines, how does that work? Christopher stated that regarding slogans and logos, the City has a sign code that would overlap the design standards and restrict such applications. L. Johnson stated there is a provision in the City code that prohibits advertising on park property. Because Parks and Recreation manages Lincoln Mall, that would

apply as well. He mentioned that there is other language that Parks is working with the City Attorney's Office on updating in relation to plaques and inscriptions. They have a working group to update the guidance about what can be inscribed on pavers, benches, etc. The City Attorney's Office felt these regulations would apply to Capitol Environs as well. They didn't feel something separate was necessary. They will continue to add the Spirit of Nebraska plaques. That language is all approved before installation on the Mall.

Ripley would think the idea of making this simpler so it doesn't conflict with what the City would be good. He would recommend the Environs Standards reference this language. He thinks it is important to have it noted by association and refer to Parks and Recreation. Ripley believes we don't need to rewrite our guidelines. Capital Environs has the same interest. He would be glad to assist. He would prefer to have this simply by reference.

Matt Hansen asked if this would apply only to Centennial Mall. Christopher stated the proposed Capitol Environs Standards for monuments and memorials only address Lincoln Mall and Centennial Mall at this point. Hansen is thinking about the potential for other monuments. Ripley stated that Centennial Mall was intended to be State or nation and Lincoln Mall more local. This might be more of a district comment. Christopher thinks that makes sense. L. Johnson stated the timeline is to have these guidelines updated by year end.

K. Johnson asked if this will be an amendment to the current code. L. Johnson stated these are amendments to departmental guidelines. They may be adopted by executive order. They are still coordinating with the City Attorney's Department. These are guidelines that Parks will use for inspection.

Christopher believes a reference to an executive order makes sense, but without that executive order in hand, he doesn't know if the Commission can finalize the language at this time. He is comfortable with removing the references now and going forward with an amendment, and then doing a much smaller amendment once those additional guidelines have been created. The second option is to just wait until the update. They could wait to finalize this for six months or so. A third option is to rewrite this in a more vague way and references Parks guidelines for these types of installations.

Nalow believes it would be best to have exact language. She asked if there is a downside to waiting and just doing one amendment. Christopher sees the only negative being that a proposal could come forward in the short term. In that case, the Commission would not be able to use the proposed standards to make their decision. This is probably not likely, but there is always a chance.

Post is glad that Law Department is taking a look at this. We want to make sure we aren't infringing anyone's rights. There are no standards now for monuments or memorials. She

believes it is important to get something in place. She wouldn't want to put in a vague reference. With First Amendment rights, she believes this needs to be clear. She is in favor of removing language with the condition that a second amendment be approved once there is a specific reference that has been vetted by the City Attorney's Office. K. Johnson agrees with that. Cuca does as well.

Christopher will remove the language before this goes forward. He also highlighted one other small change recommended by Lynn Johnson. Under Lincoln Mall guidelines, there is a reference to maintain turf grass in all public areas along Lincoln Mall. Parks wants to make sure turf isn't required in the median. The guideline also suggests that turf grass be converted to buffalograss where possible. Parks believes it doesn't make sense to convert to buffalo grass at this point (due to how shaded the Mall is) and would like this reference removed. They will plan to have this go forward in front of Planning Commission in September, and City Council in October.

Post noted there are plantings at the intersections on Lincoln Mall. It is important to note if any other areas beyond the medians are allowed to be landscaped with something more than turf. L. Johnson agreed. He suggested the language be reworded to perhaps allow the exception of landscaped areas approved by plan.

Ripley would support that suggestion in light of the fact that the Parks and Recreation Director is an Ex-Officio member of the Nebraska Capitol Environs Commission. This is expertise by association. He also thinks an approved plan is a good suggestion.

Christopher will write something up and send to L. Johnson and the Capitol Environs Commissioners for review.

There being no further business, the meeting was adjourned at 9:35 a.m.